

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**MICHAEL W. SMITH**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 2:12-cv-75-GHD-JMV**

**GAIL JACO, ET AL.**

**DEFENDANT**

**ORDER**

This matter is before the court, *sua sponte*, for the purpose of notifying the Plaintiff, Mr. Michael W. Smith, of certain prerequisites to his potential attendance at the trial set on November 18, 2013, in Oxford, Mississippi. Inasmuch as Mr. Smith is incarcerated, it will be necessary for him to seek to have a writ of habeas corpus ad testificandum issued directing his transport to and from for the scheduled trial. The grant of such a request is discretionary with the court. A ruling thereon will be made as soon as is practical following a writ application, if any, filed by Mr. Smith.

Mr. Smith must file the writ of habeas corpus ad testificandum application by October 18, 2013. If such application is not received, he waives any potential opportunity to be present at the scheduled trial. Mr. Smith *must include* in such request for writ of habeas corpus ad testificandum his anticipated release date for time served in connection with any conviction and an estimate of his available financial resources to cover the costs inherent in his transport to and from the subject trial.

It is hereby **ORDERED** that Mr. Smith will petition the court for a writ of habeas corpus ad testificandum by October 18, 2013, requesting an order to permit his attendance at the trial in

this matter as set forth herein, or if such petition is not received, waive any potential opportunity to be present at the scheduled trial.

**SO ORDERED** this 7<sup>th</sup> day of October 2013.

/s/Jane M. Virden  
**UNITED STATES MAGISTRATE JUDGE**